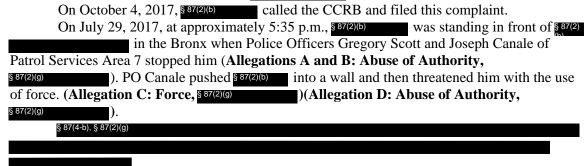
# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	U.S.
Kaitlin Campbell		Squad #13	201708163		Abuse		O.L.	✓ Injury
				_		T . =		· · ·
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Saturday, 07/29/2017 6:15 PM		In front of § 87(2)(b)			42	1/	/29/2019	1/29/2019
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rece	eived at CCl	RB
Wed, 10/04/2017 3:20 PM		CCRB	Phone		Wed, 10/04	4/201	7 3:20 PM	
Complainant/Victim	Type	Home Addr	ess					
Witness(es)		Home Addr	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Joseph Canale	10524	960317	PSA 7					
2. POM Gregory Scott	00887	961263	PSA 7					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. SGT Sincerae Tinsley	01002	945052	042 PCT					
2. POF Jandel Scarlett	19220	962783	042 PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recon	nmendation
A.POM Gregory Scott	Abuse: P	olice Officer Gregory S	Scott stopped § 87(2)(b)					
B.POM Joseph Canale	Abuse: P	olice Officer Joseph Ca	anale stopped § 87(2)(b)					
C.POM Joseph Canale	Force: Poagainst § 3	olice Officer Joseph Car 87(2)(b)	nale used physical fo	rce				
D.POM Joseph Canale		olice Officer Joseph Ca th the use of force.	anale threatened § 87(2)	(b)				
§ 87(4-b), § 87(2)(g)								
§ 87(4-b), § 87(2)(g)								
§ 87(4-b), § 87(2)(g)								

### **Case Summary**



### **Findings and Recommendations**

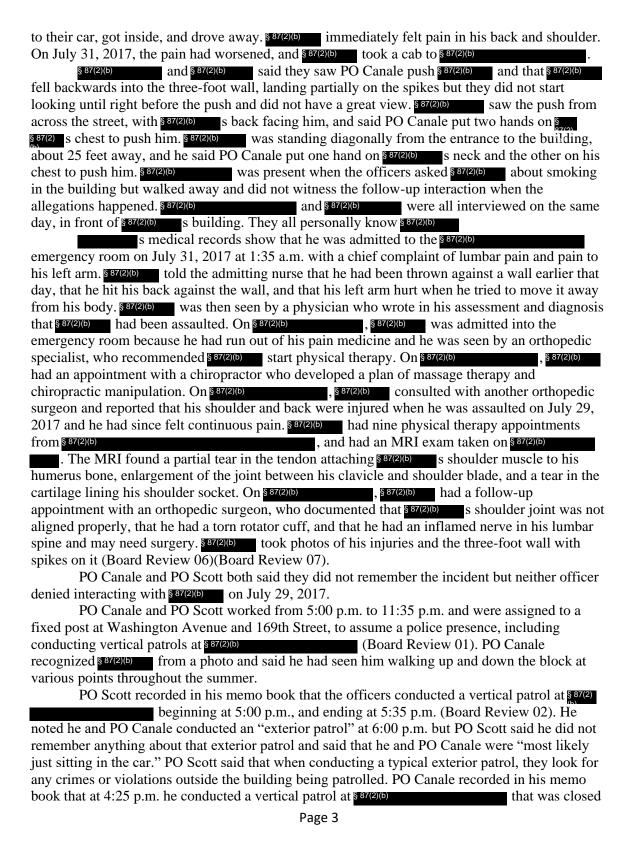
Allegation (A) Abuse of Authority: Police Officer Gregory Scott stopped \$87(2)(b)
Allegation (B) Abuse of Authority: Police Officer Joseph Canale stopped \$87(2)(b)
Allegation (C) Force: Police Officer Joseph Canale used physical force against \$87(2)(b)
Allegation (D) Abuse of Authority: Police Officer Joseph Canale threatened \$87(2)(b)
with the use of force.

According to \$37(2)(b) he had been sitting in front of \$37(2)(b) where he lives, leaning against a three-foot partition wall with two-inch spikes on it ten feet from the entrance to the building and his friend \$37(2)(b) was standing next to him. At around 5:15 p.m., PO Scott and PO Canale approached and asked \$37(2)(b) whether he had just been smoking in the building. \$37(2)(b) argued with PO Canale about this for a couple of minutes until the officers walked away. PO Canale and PO Scott walked back toward their car on the corner of Washington Avenue and 169th Street and \$37(2)(b) got up and walked behind them. As he crossed the street to head to a bodega, he called to PO Canale and told him he should "keep [his] hands where they belong" next time. \$37(2)(b) went to the bodega and returned to the front of the building within a couple of minutes.

About thirty-five minutes later, 37(2)(b) walked to the bodega again and saw PO Scott and PO Canale walking toward the front of his building. 37(2)(b) walked back toward the building a couple of minutes later and saw PO Scott and PO Canale standing with their backs to the building entrance, talking to an unidentified elderly man and a girl. A crowd of ten to twelve people stood yelling at the officers that the elderly man and the girl lived in the building and asking why the officers had stopped them. 37(2)(b) walked so that he was about ten feet away from PO Canale and PO Scott and "stuck his head out of the crowd," trying to see over the other people.

PO Scott walked up to \$37(2)(b) and asked him if he "had something to say." \$37(2)(b) did not say anything. PO Canale then approached \$37(2)(b) placed his right hand on the front of \$37(2)(b) s neck, wrapping his thumb around the right side and four fingers on the left side, and placed the palm of his left hand on \$37(2)(b) s sternum, and pushed \$37(2)(b) backward. \$37(2)(c) backward

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as "non-crime corrected" at 4:50 p.m. At 4:51 p.m. he noted he backed Sector A on a job at 1458 Webster Avenue and noted at 5:05 p.m. that the final disposition of that job would be given by Sector A. At 5:30 p.m. he noted he backed Sector B at 362 Tinton Avenue and noted at 6:10 p.m. that the final for that job would be given by Sector B.

Patrol Guide Procedure 212-11 defines a stop as an encounter between a civilian and uniformed member of service in which a reasonable person would not feel free to disregard the officer and walk away (Board Review 03).

Patrol Guide Procedure 221-01 states that officers will use only the reasonable force necessary to gain control of custody of a subject or protect the safety of a member of service. In determining whether force is reasonable, an officer should consider the immediacy of the perceived threat and whether the subject is actively resisting custody (Board Review 04).
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)

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§ 87(4-b), § 87(2	?)(g)		
	Civilian	and Officer CCRB Histories	
<ul><li>PO Canal complaint</li><li>PO Scott</li></ul>	e has been a member of s t to which he has been a s	rvice for two years and this is the first	
	Mediation,	Civil and Criminal Histories	
the city.  • § 87(2)(b)  battery, v	filed a notice of claim w iolation of civil rights, an ollars in redress (Board R	ith the City of New York claiming ne and false arrest/false imprisonment and deview 05). A 50-H hearing for the classical deview 05 in the classical deview	gligence, assault, is seeking three
Squad No.: 13			
Investigator:			
	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date
	Signature	Time Time & Ivallie	Date

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